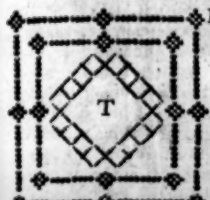


MARYLAND GAZETTE.

T H U R S D A Y, MARCH II, 1773.

"Though some counsellors will be found to have contributed their endeavours, yet there is ONE, who challenges the infamous pre-eminence, and who by his capacity, craft, and arbitrary counsels, is entitled to the first place among these betrayers of their country." Hume's Hist. of Eng. Vol. V. p. 243. 4to. edit.



HE most despotic counsels, the most arbitrary measures, have always found some advocates, to disgrace a free nation: when these men, in the room of cool, and dispassionate reason, substitute virulent invective, and illiberal abuse, we may fairly presume, that arguments are either wanting, or that ignorance and incapacity know not how to apply them.

Considering the known abilities, as a writer, of the person pointed out to be the principal adviser of the Proclamation, considering too, his legal and constitutional knowledge, we can hardly suppose, if solid reasons could be adduced in support, or extenuation of that measure, but what they would have been urged, with all the force of clear, nervous, and animated language. There will not, I imagine, be wanting lawyers, to undertake a refutation of *Antilon's* legal reasoning in favour of the Proclamation; I shall therefore examine his defence of it, rather upon constitutional principles, and endeavour to shew, that it is contrary to the spirit of our constitution in particular, and would, if submitted to, be productive of fatal consequences: but previous to my entering upon this enquiry, it will be necessary to expose the "shameless effrontery," with which *Antilon* has asserted facts, entirely destitute of truth, and from which he has taken occasion to blacken the character of a gentleman, totally unconnected with the present dispute. Who that gentleman is, no longer remains problematical; the place of his education, and his age, have been mentioned, to fix the conjectures of the publick, and to remove all doubt "He, instigated by inveterate malice, has invented falsehoods for incorrigible folly to adopt, and indurated impudence to propagate." Of this *Antilon* has confidently accused him; but upon what proof? on no other than his own conjecture. The first Citizen avers (and his word will be taken sooner than *Antilon's*) that he wrote the dialogue between two citizens, published in the Maryland Gazette of the 4th instant, without the advice, suggestion, or assistance of the supposed author or coadjutor. But the first Citizen, and the Independent Whigs are most certainly confederated; they are known to each other; an assertion this, *Antilon*, equally rash and groundless with your former. Why do you suppose this confederacy? From a similitude of sentiments with respect to your conduct, and Proclamation? If so, then indeed are nine tenths of the people of this province confederated with the first Citizen. The Independent Whigs however, as it happens, are unknown to the first Citizen; of their paper he had not the least intelligence, till he read it in the Maryland Gazette of the 11th instant: he now takes this opportunity, of thanking these gentlemen, for the compliments, which they have been pleased to bestow on his endeavours, to draw the attention of the publick, from other evils, to the real authors, or rather author of all our evils.

With what propriety, with what justice can *Antilon* reproach any man with malignity, when stimulated by that passion, he accuses others without proof of being confederated with the first Citizen, and from mere suspicion of so treasonable a confederacy, vomits out scurrility and abuse against imaginary foes? Not content with uttering falsehoods, grounded solely on his own presumption, he has imputed the conduct of "one of the confederates" to a motive, which if real, can only be known to the great searcher of hearts. This confederate is represented "as wishing most devoutly" (a pious and christian insinuation) for an event of all others the most calamitous, the death of a most loved parent; ungenerous suggestion! unfeeling man! do you really entertain such an opinion of the son? Do you desire, that the assigned cause of the imputed wish should have its intended effect, create uneasiness, a coolness, or distrust? What behaviour, what incident, what passage of his life, warrant this your opinion of the son, supposing it to be real? That they have always lived in the most perfect harmony, united by nature's strongest ties, parental love, filial tenderness, and duty, envy itself must own. That father, whose death the son devoutly wishes for, never gave him cause to form a wish so execrable; he has been treated with the utmost affection, and indulgence by the father; in return for all that tenderness and paternal care—

"Him, let the tender office long engage,
To rock the cradle of repose age;
With lenient arts extend a father's breath,
Make languor smile, and smooth the bed of death."
POPE.

I cannot conceive what "the generous and spirited bab-

*The words in small Roman letters are substituted instead of the words enterprise, and courage, made use of by the

"vicious of one of the confederates" (who by the bye is no confederate) on a former occasion, has to do with the present question, unless to divert the attention from the subject, or to introduce a specimen of satire, and falsehood prettily contrasted in antitheses. The period, I confess, runs smooth enough; but *Antilon*, let me give you a piece of advice, though it comes from an enemy, it may be useful; whenever you mean to be severe, confine yourself to truth; illiberal calumny recoils with double force on the calumniator. An expression of the first Citizen has been construed into a "preparation" to malign the minister's son: if this intention could be fairly gathered from the words inserted in the note (A) (and there are no other to give the least colour to the charge) it would cause the first Citizen unfeigned concern. To wipe off the imputation, I must beg leave to refer the reader to the dialogue published by the first Citizen; he will there see, that the ad Citizen intimates, a confidence ought to be placed in our ministers, because they are men of property, "and have as deep a stake in the safety of the constitution as any of us." In answer to this reasoning, the first Citizen observes, that a minister's wealth is not always a security for his honesty; because, to increase that wealth, to maintain his seat, and to aggrandize his own, he may be tempted to enlarge the powers of the crown, (the first Citizen speaks generally) more especially should he (the minister) have any expectation of transmitting his post to one of his own family, to his son for instance. "It has been the maxim" (says a judicious historian) of English princes when ever popular leaders encroach too much on royal authority, to confer offices on them, in expectation that they will afterwards become more careful, not to diminish that power, which has become their own." It is not even asserted, that the minister does actually entertain a hope of securing his office to his son, but that, possibly, he may entertain such a hope. It may be impolitic in the supreme magistrate, to grant offices to many of, and to continue them in the same family, but it is natural for the head of that family, to wish it; if even to wish to transmit an office to his son, should be thought culpable in the father, yet still is the son exempt from all blame.

I must answer a question or two, put by *Antilon*, before I go into an examination of his reasons, in support of the Proclamation, that the argument may be as little interrupted, and broke in upon, as possible, by topics foreign to that enquiry. *Antilon* asks, "What do the confederates mean (he should have said what does the first Citizen mean) by dragging to light—made to feel the resentment of a free people—endeavour to set the power of the supreme magistrate above the laws—dread of such fate." Answer—By dragging to light, nothing more was meant, than that the house of delegates should again endeavour, by an humble address to the Governor, to prevail on him to disclose the ill ADVISER, or "those ill advisers who have most daringly presumed to tread on the invaluable rights of the freemen of Maryland." Made to feel "the resentment of a free people" may need a little explanation; the sense of the subsequent quotations, is sufficiently obvious; if the real adviser, or advisers, of the Proclamation, could be discovered, in my opinion (I do not mean to dictate, and to prescribe to the delegates of the people) they ought, in justice to their constituents, humbly to address the Governor, to remove him, or them, from his counsels, and all places of trust, and profit, if they be invested with such, not merely as a punishment on the present transgressor, or transgressors, but as a warning to future counsellors, not to imitate their example. I have dwelt the longer on the meaning of the words—"made to feel the resentment of a free people," because I perceive pusillanimity and conscious guilt have inferred from the expression, "a sanguine hope in the confederates," that the free people of Maryland will become a lawless mob at "their instigation, and be the dupes of their infernal rage."

Sleep in peace, good *Antilon*, if thy conscience will permit thee; no such hope was conceived by a thought of the sort never entered the first Citizen's head, nor (as he verily believes) of any other person. The first Citizen rejects with horror, and contempt, the cowardly aspersions. But should a mob assemble to pull down a certain house, and hang up the owner, methinks, it would not be very formidable, when headed and conducted by a monkey, against a chief of such spirit and resolution. Sarcasms on personal defects, have ever been esteemed the sure token of a base and degenerate mind; to possess the strength and graces of your person, the gentleman alluded to, would not exchange the infirmities of his puny frame, were it, on that condition, to be animated by a soul like thine.

I have at length gone through the painful task, of silencing falsehood, exposing malice, and checking insolence. The illiberal abuse so plentifully dealt out by *Antilon*, would have been passed over with silent contempt, had he not so interwoven it with positive assertion of facts, that the latter could not be contradicted, without taking some notice of the former.

I shall now examine *Antilon's* reasons in justification

of the Proclamation, and after his example, I shall first compare the two transactions, the Proclamation, and the assessment of ship-money.—That the latter was a more open, and daring violation of a free constitution (B) will be readily granted; the former, I contend, to be a more disguised, and concealed attack, but equally subversive, in its consequences, of liberty.—*Antilon's* account of the levy of ship-money, though not quite so impartial as he insinuates, I admit in the main to be true.—The amount of the whole tax was very moderate, little exceeding £.200,000; it was levied upon the people with justice and equality, and this money was entirely expended upon the navy, to the great honour and advantage of the kingdom.—At that period the boundaries between liberty and prerogative were far from being ascertained; the constitution had long been fluctuating between those opposite, and contending interests, and had not then arrived to that degree of consistency and perfection, it has since acquired, by subsequent contests, and by the improvements made in later days, when civil liberty was much better defined, and better understood. The assessment of ship-money received the sanction of the judges.—After the laying on of ship-money, Charles, in order to discourage all opposition, had proposed the question to the judges, "whether in a case of necessity, for the defence of the kingdom, he might not impose this taxation; and whether he was not sole judge of the necessity."—These guardians of law and liberty, replied with great complaisance (reflect on this, good reader) that in a case of necessity, he might impose that taxation, and that he was sole judge of the necessity." The same historian speaking of that transaction concludes thus: "These observations alone may be established on both sides, That, the appearances were sufficiently strong in favour of the King, to apologize for his following such maxims; and that, publick liberty must be so precarious, under this exorbitant prerogative, as to render an opposition, not only excusable, but laudable in the people."—But I mean not to excuse the assessment of ship-money, nor to exculpate Charles, his conduct will admit of no good apology.

Now let us take a view of the Governor's Proclamation, advised by the minister, and of all its concomitant circumstances.—A disagreement in sentiment, between the two branches of our legislature, about the regulation of officers fees, occasioned the loss of the inspection law in the month of November, 1770.—Some proceedings in the land-office, had created a suspicion in the members of the lower house of that assembly then sitting, "That the government had entertained a design, in case the several branches of the legislature should not agree in the regulation of officers fees, to attempt establishing them by Proclamation." To guard against a measure "incompatible with the permanent security of property and the constitutional liberty of the subject," they in an address to his Excellency asserted, "That could they persuade themselves, that his Excellency could possibly entertain a different opinion, they should be bold to tell him, that the people of this province will ever oppose the usurpation of such a right." To which address the Governor returned this remarkable answer in his message of the 20th day of November 1770, "That his lordship's authority had not yet interposed in the regulation of fees of officers, nor had he any reason to imagine, it would interpose in such a manner as to justify a regular opposition to it." (C) —Notwithstanding this declaration, a few days after the prorogation of that assembly, the Proclamation of the 26th day of November (the subject of the present controversy) was issued, contrary to a seeming promise given by the minister (for I consider the Governor's speeches and messages as flowing from his minister's advice) and contrary to the opinion entertained by the minister himself, of its legality. The accusation will not appear too rash, when we reflect on the abilities of the man, his experience, his knowledge of the law and constitution, and his late flimsy and pitiful vindication of the measure. He knew that a "similar Proclamation published in the year 1733 had agitated and disjoined this province till the year 1747. The evils, which were thereby occasioned, ought strongly to have dissuaded a second attempt, to exercise such power." *Antilon* has admitted this fact, and has attributed "the most violent opposition that ever a Governor of Maryland met with" to this very measure—"He (Ogle) was so well convinced of the authoritative force of the Proclamation, for settling fees of officers, that he expressly determined, as Chancellor, by a final compulsory decree, fees should be paid upon the authority, and according to the very settlement of the Proclamation," which of his own will and mere motion he had pre-ordained as Governor.

What is the meaning of all this in plain English? Why, that Ogle made himself both judge and party; like the French King, he issued out his edict as a law, which he enforced in his own court, as judge. I am unwillingly, and unavoidably drawn into the censures of a man, who by his subsequent conduct, which was mild and equitable, fully atoned for the oppressions (shall I call them errors) of his former administration.

Antilon asks, "What did he (Ogle) deserve, infamy, death, or exile?" No, not quite so severe a punishment, *Antilon*; he only deserved to be removed from his government, and not even that punishment, if he was directed, advised, and governed by such a minister as thou art; for in that case, the disgrace, and removal of the minister would have been sufficient, and would probably have restored ease, security, and happiness to the people. But if *Eden* should follow *Ogle's* example, what then? *Eden* is a Governor, a Governor is a King, and a King can do no wrong, ergo, a Governor may cut the throats of all the inhabitants of Maryland, and then pick their pockets, and will not be liable to be punished for such atrocious doings; excellent reasoning! exquisite wit and humour! If you, *Antilon*, should still be hardy enough, to continue to inspire the same counsels, which have already set this province in a flame, and the Governor, when warned, and cautioned against your pernicious designs, should still listen to your advice; in opposition to the inclination and wishes of the people, over whom he has the honour to preside, I console, I should be one of those, who would sit heartily with for his removal; Does this look like flattery, *Antilon*? I scorn the accusation. The first Citizen has always treated his Excellency with that respect, which his station commands, and with that complaisance, which is due from one gentleman to another; to flatter, or to permit flattery, is equally unbecoming that character; *Antilon* accuses the confederates, of favouring servility, extravagant adulation, and the meanest dejection; yet this very man is not entirely exempt from the imputation of flattery—"They know not the man, whom they thus treat."

Cui, male si palperes, recalcitrat undique tutus—
was an artful compliment paid by a courtly poet to the tyrant Augustus.—Ye, *Antilon*, I know the man; I know him to be generous, of a good heart, well disposed, and willing to promote, if left to himself, the happiness and welfare of the province; but youthful, untaught, and diffident of his own judgment in matters legal and political (P); failings (if they deserve the name) that have caused him to repose too great a confidence in you; from this opinion of the man, from a persuasion of his good intentions, I was induced to apply to him, the maxim of the British constitution, "the King can do no wrong," which you have so wittily, and humorously ridiculed. The Governor is no King; wonderful discovery! Who said he was? You comprehend the full force, and justice of the application, and you best know the reason of it; in order to elude, and defeat its aim, you affect to be witty, and not to take my meaning. You want to shelter yourself under the protection of the Governor, and to draw him, and all the Council, into a justification of measures peculiarly yours, by endeavouring to make them responsible for your counsels. There can be no difficulty in finding out his (the King's) ministers; the Governor and Council are answerable in this character; he cannot disavow an act, to which his signature is affixed. Have not many Kings of England revoked, and cancelled acts to which their signatures were affixed? Have not some Kings too, at the solicitation of their parliaments, disgraced ministers, who advised these acts, and affixed to them the royal signature? The Governor is improperly called the King's minister; he is rather his representative, or deputy; he forms a distinct branch, or part of our legislature; a bill though passed by both houses of assembly, would not be law, if dissented to by him; he has therefore the power, *loco Regis*, of assenting, and dissenting to laws; in him is lodged the most amiable, the best of powers, the power of mercy; the most dreadful also, the power of death. A minister has no such transcendent privileges.—To help, to instruct, to advise is his province, and let me add, that he is accountable for his advice, to the great Council of the people; upon this principle, the wisdom of our ancestors grounded the maxim, "The King can do no wrong." They supposed, and justly, that the care and administration of government would be committed to ministers, whom, abilities, or other qualities had recommended to their sovereign's choice; left the friendship and protection of their master should encourage them to pursue pernicious measures, and left they should screen themselves under regal authority, the blame of bad counsels became imputable to them, and they alone were made answerable for the consequences; if liable to be punished for male-administration, it was thought, they might be more circumspect, diligent, and attentive to their charge; it would be indecent and irreverential to throw the blame of every grievance on the King, and to be perpetually remonstrating against majesty itself, when the minister only was in fault. The maxim however admits of limitation.

*Est modus in rebus; sunt certi denique fines,
Quos ultra, citraque, nequit consistere rectum.*

Should a King, deaf to the repeated remonstrances of his people, forgetful of his coronation oath, and unwilling to submit to the legal limitations of his prerogative, endeavour to subvert that constitution in church and state, which he swore to maintain, resistance would then not only be excusable, but praise worthy, and deposition, and imprisonment, or exile, might be the only means left, of securing civil liberty, and national independence. Thus James the second, by endeavouring to introduce arbitrary power, and to subvert the established church, justly deserved to be deposed and banished.

The revolution, which followed, or rather brought on James's abdication of the crown, "it is justly ranked among the most glorious deeds, that have done honour to the character of Englishmen." In that light the first Citizen considers it; and he believes the Independent Whigs entertain the same opinion of that event, at least, nothing appears to the contrary, save the malevolent insinuation of *Antilon*. It is high time to return to the Proclamation; your digressions, *Antilon*, which have occasioned mine, shall not make me

lose sight of the main object. "It is not to be expected that any man will bear reproaches without reply, or that he who wanders from the question, will not be followed in his wanderings, and hunted through his labyrinths." We have seen, the Proclamation was apprehended some time before its publication, and guarded against by a positive declaration of the lower house—"The people of this province will ever oppose the usurpation of such a right." Nevertheless our ministers, regardless of this intimation, advised the Proclamation. It came out soon afterwards clothed with the specious pretence of preventing extortion in officers. I shall soon examine the solidity of this softening palliative.

In a subsequent session, it was resolved unanimously by the lower house, "to be illegal, arbitrary, unconstitutional and oppressive." It was resolved also, "That the advisers (D) of the said Proclamation are enemies to the peace, welfare and happiness of this province, and to the laws and constitution thereof."

I shall now give a short extract from Pety's *Jus Parliamentarium*, page 337, and leave the reader to make the application.—In a list of grievances presented by the commons to James the first, are Proclamations, of which complaining bitterly, among other things they say, "Nevertheless, it is apparent, that Proclamations have been of late years much more frequent than heretofore, and that they are extended, not only to the liberty, but also to the goods, inheritances, and livelihood of men; some of them, tending to alter some points of the law, and make them new; other some made shortly after a session of parliament for matter directly rejected in the same session," and some vouching former Proclamations, to countenance and warrant the latter.

The Proclamation is modestly called by *Antilon*, "a restriction of the officers;" at another time, "prevention of extortion," though in fact, it ought rather to be considered as a direction to the officers, what to demand, and to the people, what to pay, than a restriction of the officers. I appeal to the common sense and consciences of my countrymen; do ye think, that the avowed motive of the Proclamation, was the true and real one? If no such Proclamation had issued, would ye have suffered yourselves to be oppressed, and plundered by the officers? Would ye have submitted to their exorbitant demands, when instructed by a vote of your representatives, "That in all cases where no fees are established by law, for services done by officers, the power of ascertaining the quantum of the reward for such services is constitutionally in a jury upon the action of the party?" To set this matter in a clear point of view, and to expose the hollow and deceitful shew of a pretended clemency, and tenderness for the people, it may not be improper to introduce a short dialogue between an officer and citizen.

Officer. How wretched and distressed would have been the situation of this province, if the well-timed and merciful Proclamation had not issued.

Cit. How so?
Officer. The reason is obvious, had it not issued, we should have been left loose on our countrymen to live on free-quarter, for every little piece of service we should have exacted a genteel reward; in a short-time your pockets would have been pretty well drained, and to mend the matter, we might have pillaged and plundered, without being liable to be sued for extortion; for we could not be guilty of extortion merely in taking money or other valuable thing for our services, unless we were to take more than is due; it is obvious to common sense that there must be some established measure—or there can be no excess.—That the term more cannot apply unless what is due be ascertained, there must be a positive, or there can be no comparative; let the result then be considered, if something be undeniably due, when a service is performed, and no certain rule or measure to determine the rate, should an officer take as much as he can exact, he would not commit extortion according to the legal acceptance of the term extortion.

Cit. This may be good law for aught I know, but if I could not sue you for extortion, I should still have a remedy.

Officer. What, pray?

Cit. I would only pay you what I thought reasonable.

Officer. But suppose I should not think the sum tendered sufficient, and refuse to receive it.

Cit. Why, then you might either go without any reward for your service, or you might sue me, to recover, what in your estimation would be adequate thereto, and thus leave the quantum of the recompence to be settled by a jury.

Officer. This expedient did not occur to me; your condition, I own, would not have been quite so deplorable as I imagined.

The plain answer of this citizen will be understood by many, who will not comprehend the more refined reasoning of the officer upon extortion; and I fancy the citizen's resolution in a like case, would be adopted by most people.—*Antilon* has admitted that "If the Proclamation had not the authority to fix the rates according to which the officers might receive and beyond which they could not lawfully receive, it was not preventive of extortion, but whether it had or not such authority depended on its legality, determinable in the ordinary judicatories." I should be glad to know whether its legality be determinable by the judges, or by a jury; if determinable by a jury, the liberty and property of the people will be exposed to less danger: were we sure of always having judges, as honest and upright as the present, the question, though of the most momentous concern, might perhaps be safely left to their decision; but our judges are removable at pleasure, some of them might be interested in the cause, and if suffered to establish their own fees would become both judge and party.—a Governor, we have seen, decreeing as chancellor fees to be paid upon the authority of his own Proclamation, would fall under that predicament. Let us admit, by way of argument, that the decision of this question (the legality of the Proclamation) belongs properly to the judges:

suppose they should determine the Proclamation to be legal; What consequences would follow? The most fatal and pernicious, that could possibly happen to this province; the right of the lower house to settle fees, with the concurrence of the other branches of the legislature, a right, which has been claimed, and exercised for many years past, to the great benefit of the people, would be rendered useless, and nugatory. The old table of fees abounding with exorbitances and abuses, would ever remain unalterable; government would hold it up perpetually, as a sacred palladium, not to be touched, and violated by profane hands.

Reasons still of greater force might be urged against leaving with the judges the decision of this important question, whether the supreme magistrate shall have the power to tax a free people without the consent of their representatives, may I against their consent and express declaration, I shall only adduce one argument, to avoid prolixity.

The Governor, it is said, with the advice of his lordship's council of state, issued the Proclamation; three of our provincial judges are of that council; they therefore advised a measure as proper, and consequently as legal, the legality of which, if called in question, they were afterwards to determine. Is not this in some degree pre-judging the question? It will perhaps be denied, (for what will not some men assert, or deny?) That to settle the fees of officers by Proclamation, is not to tax the people; I humbly conceive that fees settled by the Governor's Proclamation, should it be determined to have the force of law, are to all intents and purposes, a tax upon the people, flowing from an arbitrary, and discretionary power in the supreme magistrate: for this assertion, I have the authority of my Lord Coke express in point—that great lawyer, in his exposition of the statute de tallagio non concedendo makes this comment on the word tallagium—"Tallagium is a general word and doth include all subsidies, taxes, tenths, fifteenths, impositions, and other burthens or charge put or set upon any man, that within this act are all new officers erected with new fees or old officers with new fees for that is a tallage put upon the subject, which cannot be done without common consent by act of parliament." The inspection law being expired, which established the rates of officers fees, adopted by the Governor's Proclamation, I apprehend, the people (supposing the Proclamation had not issued) would not be obliged to pay fees to officers according to those rates; this proposition, I take, to be self-evident; now, if the Proclamation can revive those rates, and the payment of fees agreeable thereto, can be enforced by a decree of the chancellor, or by judgment of the provincial court, it will most clearly follow, that the fees are new, because enforced under an authority entirely new, and distinct from the act, by which those rates were originally fixed. Perhaps my Lord Coke's position will be contradicted, and it will be asserted, that fees payable to officers, are not taxes; but on what principle, such an assertion can be founded, I am at a loss to determine; they bear all the marks and characters of a tax; they are universal, unavoidable, and recoverable, if imposed by a legal authority, as all other debts; universal, and unavoidable, for applications to the public officers are not of choice but of necessity, redress cannot be had for the smallest or most atrocious injuries but in the courts of justice, and as surely as that necessity does exist, and a binding force in the Proclamation be admitted, so certainly must the fees thereby established, be paid in order to obtain redress. There is not a single person in the community, who at one time, or other, may not be forced into a court of justice, to recover a debt, to protect his property from rapacity, or to wrest it out of hands, which may have seized on it with violence, or to procure a reparation of personal insults.

Why was the inspection law made temporary? With a view no doubt, that on an alteration of circumstances, the delegates of the people, at the expiration of the act, with the consent of the Governor, and upper house, might alter, and amend the table of fees, or frame a new table.

That the circumstances of the province are much changed since the enacting of that law in 1747, the Proclamation itself evinces, by allowing planters to pay the fees of officers in money, in lieu of tobacco, which alternative has considerably lessened the fees, and is a proof, if any were wanting, that they have been much too great. It was insisted on by the lower house, that a greater reduction of fees was still necessary; by the upper, that the fees were already sufficiently diminished, and that they would not suffer "any further reduction of fees, than that, which must necessarily follow from the election given to all persons, to discharge the fees in tobacco, or money as they best suit them." One would imagine that a compromise, and a mutual departure from some points respectively contended for, would have been the most eligible way, of ending the dispute; if a compromise was not to be effected, the matter had best been left undecided: time, and necessity would have softened diffidence, and have reconciled jarring opinions, and clashing interests; and then a regulation by law, of officers fees, would have followed of course. What was done? The authority of the supreme magistrate interposed, and took the decision of this important question, from the other branches of the legislature to itself: in a land of freedom this arbitrary exertion of prerogative will not, must not, be endured.

From what has been said, I think it will appear that the idea of a tax is not improperly annexed to a regulation of fees by Proclamation "but if the idea be proper, then fees can be settled in no case except by the legislature, because it requires such authority to lay a tax; but the house of lords, the house of commons, the courts of law and equity in Westminster hall, the upper and lower houses of assembly have each of them settled fees—they have so: the house of lords, and the house of commons have that

SUPPLEMENT to the MARYLAND GAZETTE
T H U R S D A Y, MARCH 11, 1773.

SCHEME of a LOTTERY,
for raising 1350 Dollars, for repairing the Road from Connollway to The winding Ridge.

Number of Prizes.	Dollars.	Dollars.
1 of 300	is 300	
3 of 100	are 300	
3 of 50	are 300	
15 of 20	are 300	
30 of 10	are 300	
60 of 5	are 300	
75 of 4	are 300	
850 of 3	are 2550	
1040 Prize	are 4050	
1960 Prize	gain 1350	
3000 Tickets at Two Dollars each amount to 6000		

By the above Scheme there are not Two Blanks or a Prize, and the Prizes subject to no Deduction and as there are many of them very valuable, it is not doubted but the Tickets will very soon be disposed of, especially as a great Number of them are already engaged.

The Drawing to begin at Hagar's Town, on Tuesday the Third Day of August next if full, or sooner if sooner full, in the Presence of Three Managers at least, and as many of the Adventurers as choose to attend.

The Managers are, Mess. Thomas Crisfop, Michael Crisfop, James Wood, Jonathan Hagar, John Swan, James Caldwell, John Caldwell, and Richard Yates.

A List of Prizes will be published in the Maryland Gazette, which will be ready to be paid in One Month after the Drawing. Those not demanded within Six Months will be deemed as generously given towards repairing the aforesaid Road.

Tickets may be had of any of the Managers.

T O B E S O L D,
THE Dwelling Houses and Lots belonging to the late John Morton Jordan, Esq; deceased, situated on the Bank of Severn River in the City of Annapolis. Any Person inclinable to purchase the said Houses and Lots, may know the Terms by applying to their most obedient humble Servant,
REUBEN MERIWETHER, Admr.

To be sold, on Monday the 22d Instant, at the House of Mr. William Minor, in Queen-Anne's County,
A PARCEL of fine, healthy, likely young Slaves, consisting of Men, Women, Boys and Girls; among which are several excellent Cook Wenches; and most of the Slaves Country born. They will be sold for either Cash, Bills of Exchange, or short Credit, giving Bond with Interest, and Security, if required.

3w **JAMES HUTCHINGS, jun.**

W A N T E D,
A MAN well qualified to teach the Latin and Greek Languages. Such a Person, well recommended for his Sobriety and Diligence, may meet with good Encouragement, by applying to the Subscriber in *Bladensburg*.

JAMES HUNT.
P. S. The Subscriber also takes this Method of informing the Publick, that agreeable to his Advertisement some time past, he has opened a Grammar School in *Bladensburg*; which, by the favourable attention of the friends of science, though an infant seminary, hath arrived to such a state as enables him to employ assiduous tutors. And he farther assures the promoters of this institution, that, for the special benefit of his pupils, as often as the Increase of their Number shall require it, he will be careful to procure additional assistance, so that their tuition may be conducted with the greatest accuracy and expedition.

He teaches the Latin and Greek Languages, Arithmetick, Logick, Rhetorick, Geography, Geometry, the most useful practical Branches of the Mathematicks, and the other Arts and Sciences necessary to form a complete academical Education.

He also compleats the English Education of such young Gentlemen as have not an Opportunity of attending a general Course of polite Literature, by instructing them in the Arts of Reading, Writing, Geography, pronouncing English with Propriety and Elegance. (Surveying and Navigation at the usual Premium, and in the most exact and approved Methods.)

Tuition at 6l. per Annum; genteel Lodgings in the Country and convenient to the School at 15 l. the whole Amount 21 l. Currency.

There is a Vacancy for Two (young Lads) at this Time in my own House. Such Gentlemen and Ladies as choose to commit the Charge of their Children to him, may depend on the strictest Care of their Morals and civil Breeding, as well as literary Education, by the Publick's humble Servant,

3w **JAMES HUNT, A. M.**

THE Subscriber takes this Method to acquaint the Publick and his kind Customers, that he has removed to his Corner Brick House on Corn-hill and Cross-streets, not above 100 Yards from where he formerly lived; where he keeps wet and dry Goods for Sale, and takes in private Lodgers as usual. Any Gentlemen who please to favour him with their Company, may depend on good Entertainment, and their Horses well taken Care of, by their very humble Servant,

w3 **JOHN BREWER, sen.**

P A T R I C K T O N R Y,
TAKES this Method to inform the Publick, that he has opened Tavern in a neat commodious House for that purpose, situated in East-Street, a few Doors below Mr. James Brice's new House, being near and very convenient to the Dock; and as he has provided himself with a good Stock of Liquors, and Accommodations for Travellers, as also good Stabling and Provender for Horses, those Gentlemen who please to favour him with their company may depend on his utmost Endeavours to give them Satisfaction.

Said *Tonry* proposes also, for the Convenience of Travellers betwixt Annapolis and Baltimore-Town, to erect Two Carriages, to begin the Second Week in March inst. to carry Passengers to and from said Town, in the following Manner, viz. To set out One Carriage from his said House, on every Monday, Wednesday and Friday, precisely at Half after Eight o'Clock in the Morning, will stop One Hour at Mr. Charles Dodd's about Half Way to Baltimore, and from thence proceed to Capt. Limer's in Baltimore-Town; and return from said Limer's for Annapolis every Tuesday, Thursday and Saturday Morning, at Seven o'Clock, will wait for any Passengers to breakfast at Mr. Kilo's Tavern at the Ferry, and to dine at Mr. Tootell's, where John McDonall lately lived, and from thence to said *Tonry's* House in Annapolis; where, as also at Capt. Limer's, a Person will be appointed to let Seats to Passengers at 10s. each from Baltimore to Annapolis, and the like Sum from Annapolis to Baltimore. Outside Passengers or any Child under Ten Years of Age at Half Price. Seats to be held as applied for. Small Parcels will be carried from Annapolis to Baltimore and from Baltimore to Annapolis at reasonable Rates.

N. B. Said *Tonry* will purchase a Quantity of Rye at 3s. and Barley at 4s. per Bushel, if delivered at his House in Annapolis, where may be had good Geneva, by Wholesale or Retail, at reasonable Rates.

8w

ALL Persons indebted to Mess. John Jamieson and Son, for Dealings with their Port-Tobacco, Newport, and Vienna Stores, are desired to make immediate Payment to

10w **GEORGE GRAY:**

St. Mary's County, February 12, 1773.
To be rented for any Term of Time, and may be entered on immediately,

A VERY good Store-House, with a Lumber House nearly adjoining, situated on Briton's Bay, and within Three Miles of Leonard-Town; and on the Land where Mr. John Fenwick now lives, has an extraordinary good landing Place, where ships may lye with safety, and load within Thirty Feet of the Shore; there is lately erected thereon a Warehouse, by Joseph Fenwick, for the Reception and Inspection of Tobacco; where it is generally supposed, Three Hundred Hogheads will at least be brought this Year; it is remarkably healthy, has excellent Water, is very convenient either for the Tobacco or West-India Trade; and in a Neighbourhood, where there are large Crops made both of Corn and Tobacco, and who in general it is believed, will encourage to the utmost of their power, any Gentleman who might incline to fix among them, in witness to the Truth of the above Particulars we the Subscribers living in the said Neighbourhood, have hereto set our Hands.

PHILIP MIDLEY,
BENNET COMBS,
JOHN GREENWILL, junr.
JOSEPH WILLIAMS,
JAMES WILLIAMS,
ROBERT MANNING.

4w

N. B. Any Gentleman whom this may suit may have Board, Washing, &c. for any Number he pleases, at Mr. John Fenwick's, close to the Store; upon the most reasonable Terms. For further Particulars enquire of Mr. John Fenwick,

Or of their humble Servant,
JOSEPH FENWICK.

THERE is at the Plantation of Frederick Daker, near the Dugg-Hill, in Baltimore County, a middle sized bay Stray Mare, about two Years old last Spring, is a natural Pacer, and has no perceivable Brand or Fleth Mark.

The Owner may have her again, proving Property and paying Charges.

Annapolis, the 4th of February, 1773.
WHEREAS it hath been represented to his Excellency the Governor, that on the Seventh Day of December last the Dwelling-House of M^r John Lucas, in Saint Mary's County, was maliciously set on fire, by some Person or Persons unknown, and entirely consumed; His Excellency for the better discovering and bringing to publick Justice the Person or Persons concerned in setting on fire the said House, doth promise his Lordship's Pardon for the said Offence to any of them (the Principal or Principals only excepted) who shall discover his, her, or their Accomplice or Accomplices in the said Fact, so that he, she, or they may be apprehended and convicted thereof;

Signed by Order,
U. SCOTT, Cl. Com.
And as a further Encouragement, the Subscriber living in Saint Mary's County, doth promise a Reward of Fifty Pounds Currency to any one who shall discover the Person or Persons concerned in burning the said House, so that he, she, or they may be brought to Justice and convicted thereof.

6w **JOHN LUCAS**

February 18, 1773.
To be sold at publick Vendue, on Thursday the Eighteenth Day of March next,

THE Four following Tracts of Land, adjacent to each other, lying within Twelve Miles of Frederick-Town, and within Four of Patowmack River, near Kitzekton Creek, viz. Forest of Needwood, 300 Acres; Hawkins's Plains, 390 Acres; Sawed's March, 300 Acres; Fertile Meadows, 100 Acres. There are very good Improvements on them, together with an Apple Orchard, consisting of 300 Trees of excellent Fruit. The Land is level, clear of Stones, extremely well timbered, plentifully supplied with constant Springs of Water; and the Soil well adapted to Tobacco, or Grain of any Kind. It is generally reputed to be the best Land in that Settlement. Any Person or Persons inclinable to purchase the Whole, or any Part thereof, may view the same any Time before the Day of Sale, by applying to Nicholas Hook, who lives on the Premises. An indisputable Title will be made to the Purchaser.

y 2w **FIELDER GAUNTT.**

Annapolis, February 15, 1773.
JOSHUA COLLINS,
Musical Instrument-maker and Turner from Manchester.

BEGB leave to acquaint the Publick, that he has commenced the said Branches of Business, as Messrs. Shaw and Clibborn's Cabinet Shop; where all Sorts of Turner's Work is executed in the best, pleatest Manner; also German and common Flute, Hautboys, Fifes, &c. of all Sorts and Sizes, gifting Sorts of Musical Instruments repaired, Harpsichord Forte Pianos, or any stringed Instruments put in tune. He has opened an Evening School for Music, at Mr. John Hepburn's, where he teaches the most modern and approved Methods of playing the German Flute, Hautboy, Clarinet, Bassoon, &c. Having been educated in that Science, under the Care of some of the greatest Masters in England. Those whom it may please to encourage the Subscriber may depend on being served on the most reasonable Terms; and such Gentlemen as cannot attend his Evening School may be waited on in the Day Time at their own Apartments.

By their very humble Servant,
w4 **JOSHUA COLLINS**

Alexandria, February 19, 1773.
B A Y B O L T O
Imported last October, Six Years old this Spring.

WILL stand at Fairford, my Plantation, Three Miles from Alexandria, an overmatured Season at One Guinea the cap, and Five Shillings to the Groom, or Two Guinea the Season, and old be Shillings to the Groom; and Pasturage Mares at all have good Pasturage, but I will not be answered in case of Loss, though the same Care shall be taken of them as my own.

He was got by that beautiful Horse Sterling, right of a full blooded Hunter Mare; he is near Officers of Hands, a dark bay, stout, and well formed.

10w

To be sold at publick Vendue, for Cash or on change, on Thursday the 18th of March next, at the house of Mrs. Charleton in Frederick-Town, as has by Virtue of a Deed of Trust made to me for that purpose by John Wilmot,

ATRACT or Parcel of Land lying in Frederick County, called Dinab's Fancy, containing 100 Acres. The following Persons live adjacent said Land, and will shew it to any Persons desirous of seeing the same: Joseph Dyer, John Loe, myself, Natley Norris, David Smuer, Andrew Young, and because mon Miller.

12 **THOMAS BUCH**

Now ready for the Press,
And to be printed by Subscription, in one large Octavo
Volume, containing about Three Hundred Folios.
(Price 7s 6d Shillings)

FOR
Ma.
County.
THE
DEPUTY COMMISSARY'S
GUIDE
WITHIN THE PROVINCE
OF
M A R Y L A N D.
TOGETHER

With plain and sufficient Directions for Testators to
form, and Executors to perform their Wills and
Testaments; for Administrators to complete their
Administration, and for every Person any Way
concerned in deceased Persons Estates, to pro-
ceed therein with safety to themselves and others,

ELIE VALLETTE,
Register of the PREROGATIVE COURT, of the PRO-
VINCE aforesaid.

PROPOSALS.
The above will be put to the Press on the First
Day of May next, by which Time, it is apprehend-
ed, the Subscription will be completed. Every
Subscriber shall have his Name and Title printed in
the Title Page, in a Label adapted for that Purpose,
as in the above Scheme, provided their Signature
come timely to Hand.

All Endeavours shall be used to procure a Book-
binder, in which Case the Volume shall be neatly
bound in Calf, gilt, and lettered, for which an
additional Half-Crown will be demanded at the De-
livery of the Book.

SUBSCRIPTIONS are taken in (and Money received,
if tendered) by the several Deputy Commissaries in
each respective County of this Province, as also,
At Oxford, by Mr. Charles Cruikshank.
At Bladenburg, by Mr. Richard Henderson.
At Upper Marlborough, by Ralph Forster, Esq;
At Lower Marlborough, by Mr. Thomas Jones.
At Elk-Ridge, by Mr. John Dorsey, Merchant.
At George-Town, by Mr. Robert Peters.
At Cambridge, in the County Clerk's Office.
And at Annapolis, by Mrs. Howard, at the Coffee-
House; Messrs. Williams and Co. and Mr. M'Hard,
at the Dock; Mr. Cornelius Garretson, Mr. Robert
Johnson, and at the Printing Office.

For an Illustration of the Contents, the Preface
is here inserted.

P R E F A C E.
The following Sheets, written principally with
a View of introducing a general Uniformity in
the Proceedings of Deputy Commissaries, and of
enabling Executors and Administrators in the Per-
formance of their Duties, are submitted to the
Candour of the Publick. I flatter myself they con-
tain Informations which may be serviceable to ma-
ny, and that such, as do not need my Instructions,
will not censure my Endeavours to assist those, who
do.

In my Office of Register, which I have executed
for Eight Years past with Application and Diligence,
I hope, I may be permitted to say, that I have
gained some Knowledge at least of the interior and
practical Part of the Business I have undertaken to
explain, and it is upon this Experience I have ad-
blatoured to appear in print. There are very few
persons, who are not in some Respect, concerned in
the Management of the Estates of deceased Persons,
Creditors, Executors, Administrators, Legatees,
and others, or in what they have to leave, as well as
claim, and I may presume to observe, that very
few have not frequent Occasion for Advice in these
affairs, and therefore my undertaking cannot
be extensively useful, unless the Execution of it
be extremely defective.

In order that the Reader may have a general Idea,
of what he is to meet with in the following Treatise,
I have thought fit to observe, that it begins with pointing out the
Qualities, and Function of Deputy Commissaries, in
the various Cases of Administration, in receiving
inventories, and examining and passing Accounts,
and then proceeds—2dly, On the Subject of Wills
and nuncupative—3dly, Of Legacies—
4thly, Of Descent—5thly, Of Distribution—
6thly, Concerning the Office of Executors and Ad-
ministrators—7thly, The Appointment and Duty
of Guardians, in the Management of the Estates of
orphans—8thly, Concerning Rules of Office re-
specting only Deputy Commissaries—9thly and
10thly, An Appendix comprehending as well such
legal precedents as are occasionally referred to in the
Treatise, as other Process issuable out of the Prero-
gative Office, and a general Index to the Whole.

COMMITTED to my Custody as a Runaway,
a certain James Clarke, who says he belongs to
James Martin, on Kent-Island; he had a Collar
round his Neck, and his left Hand is much deformed;
he crossed the Bay in a Yawl with Two other
Persons. His Master is requested to take him away
and pay Charges.

WILLIAM NOKE,
Sheriff of Anne-Arundel County.
By Virtue of a Deed of Trust from Captain William
Richardson, for the Benefit of his Creditors,
To be sold on Wednesday the 1st of August next, by pub-
lick Sale, at the House of Mrs. Chilton, in Balti-
more-Town,

THAT valuable and well known Tract of Land
called Colrain, said to contain near 800
Acres, though only patented for 602 Acres. There
are about 100 Acres cleared, being the poorest Part
of the Land, whereon is built, a framed Dwelling-
House, 30 by 20 Feet, with Brick Chimnies, hav-
ing Two Rooms below and Three above, a Kitchen,
Meat-House, Milk-House on a Spring, Hen-House,
Corn-House, Stables and Barn, and an exceeding
good Apple Orchard, about 40 Acres of Meadow
are cleared, and under middling Fence; Part
whereof is embanked Marsh, the Rest white Oak
Bottom, and upwards of 100 Acres more may be
made. This Land abounds with Locust, Maple,
Hickory, red and white Oak, and is conveniently
situated in Baltimore County, upon Bush River, 4
Miles from Bush-Town and Joppa, and 22 from Bal-
timore-Town. There is a good Fishery, particularly
of Herrings in the Season, and plenty of wild Fowl.
It is supposed to contain plenty of Iron Ore, from
the Appearances, is convenient to many Furnaces,
and hath a good Landing. Twelve Months Credit
will be given to the Purchaser, and if any inclinable
to purchase privately, they may know the Terms,
by applying to Mr. James Christie, Merchant, in
Baltimore-Town; and Capt. William Richardson will
attend on the Premises to show the Land.

February 18, 1773.
I HEREBY give Notice to the Owners of all the
Tobacco put into the Warehouse at Elk-Ridge
Landing, preceding the Year One Thousand Seven
Hundred and Seventy-Two, (and now remaining
there) to take away the same, otherwise I shall dis-
pose of it at the next March Court for the Benefit of
the Owners.

PATRICK MACGILL.
Annapolis, February 23, 1773.
Imported last September, in the Nelly Frigate, Arch.
Greig, Master, from London,
ONE Cask of Merchandize, marked A B Glas,
No. 7, and left with R. Coulson: Also left on the
Wharf about same Time, One Tierce and One Bar-
rel of Goods, which lay exposed there for several
Days, (without Mark or Number) and were since
taken care of by Isaac M'Hard, and found to be
Slate. The Owner or Owners of the above Goods
may have the same delivered to them, on proving
their Property and paying Charges.

December 16, 1772.
THE Lower Ferry on Patapsco River, which I
have had an Allowance from Anne-Arundel
County this Twenty-five Years past for keeping the
same, is now kept by James Kello; and as the Pub-
lick may think I have declined keeping Boats, I
take this Method to inform them, that I still have
Two good Boats going as usual, and hope that all
my old Friends and Acquaintance in the Out Coun-
ties will favour me with their Custom.

FLORA DORSEY.
February 3, 1773.
COMMITTED to the Jail of Charles County, on
the 2d Inst. as a Runaway, a Negro Man,
who calls himself HARRY, and says he belongs to
William Clark Compton, living in Nangemoy, but
that he ran away from Joseph Courts, in Virginia,
with whom he lived; he appears to be a young Fel-
low, and is about Five Feet Eight Inches high:
Has on, an old Osnabrig Shirt, and a new one over
it, a gold Sagathy Jacket, old Surtout Coat, and a
Pair of very ragged black Everlasting Breeches, good
Yarn Stockings, Shoes and Steel Buckles.
The Owner is desired to take him away and pay
Charges, to

WILLIAM HANSON, deputy Sheriff.

October 10, 1772.
TO BE SOLD,
ABOUT 800 Acres of good Land, in Five Plan-
tations, in St. Mary's County; on one of the
Plantations, situate on the River Patowmack, there
is a Brick House in good Order, 2 Stories high,
with 4 Rooms and a large Passage on a Floor, with
Office-Houses, &c. Also, about 800 Acres in Vir-
ginia, viz. 499 near the Town of Dumfries, 194
near the Great Falls of Patowmack, 92 upon Cedar
Run, and the Remainder of a Tract of Land in
Fauquier County, patented to the Rev. Lawrence De
Butts. Proposals for the Whole, or any Part of the
above reeked Lands will be received, and an indis-
putable Title made to the Purchaser, by

JOHN DEBUTTS.

THERE is at the Plantation of Thomas Reynolds,
near the Head of Elk, Cecil County, a dark
brown Stray Mare, Seven Years old next Spring, a
bright Star in her Forehead, neither Brand nor
Earmark that can be observed, trots, paces, and
gallops. The Owner may have her again proving
Property and paying Charges.

Baltimore, January 6, 1773.
ALL Persons having any just Claim against the
Estate of Col. Charles Ridgely, deceased, are
desired to send in their Accounts properly proved,
and such as are indebted to the said Estate, are
hereby required to come and pay to prevent expence
to themselves, and Trouble to

CHARLES RIDGELY,
DANIEL CHAMBERLAIN,
WILLIAM GOODWIN, } Executors.

Richmond, James River, Virginia, Jan. 1, 1773.
To be SOLD by the subscriber,
THAT valuable Tract of Land, called Moscock's
Island, lying within a Mile of the Mouth of the
Chickabomony River, One Mile from James River, a
Quarter of a Mile above Barret's Ferry, and within
Ten Miles of the City of Williamsburg; it contains Six
Hundred Acres of the highest, driest, and richest
Marsh in this Colony, in its present State during the
Spring and Summer Months; it will afford graz-
ing for about One Thousand Head of Cattle.

In the Marsh are Three Islands; the eastern, or
low Island, contains about One Hundred and fifty
Acres of rich high Land, has Two good Springs upon
it, a Barn, Two Negro Quarters, and an Overseer's
House; a Quarter of a Mile distant is middle or High
Island, containing about Forty Acres, Half a Mile dis-
tant lies westernmost Island, containing Three or Four
Acres; and they are so situated that the banking in
the Marsh is rendered very easy: The eastern and
northern Parts of these Islands are divided from the
main Land by a Branch of the River, no more than
Thirty Yards broad, and the southern and western
Parts are divided by the main Body of Chickabomony,
about Three Hundred Yards broad. Up this River is
Navigation for Forty Miles for Vessels of Four Thou-
sand Bushels; the Branch dividing the Island from the
main Land, is esteemed the best towing and fishing in
this Colony. Opposite Low or Great Island, there are
on the Continent, One Hundred and odd Acres well
timbered Land belonging to this Plantation, pleasantly
situated and over-looking the whole Island. This Land
runs from the Branch about Half a Mile across the
main Road leading from the Ferry to Williamsburg, so
that the Distance from Town is not above Nine Miles;
common Tides cover no Part of the Marsh; spring
Tides, with continued North East Wind cover the
greatest Part of it, with Four Inches Water, but the
best Criterion of the Tides over-flowing it, is taken
from the remarkable great Gulf on Friday the 8th of
Sept. 1769, which spread over a great Part of America,
and then there were only Seven Inches Water in the
said Marsh. Any Person purchasing this Island, may
have the Stock and Utensils upon reasonable Terms.

PATRICK COUTTS.
Purchasers to apply to Messrs. James Dick and
Stewarts.

Elk-Ridge, December 29, 1772.
WHEREAS Mr. Caleb Dorsey, late of Anne-
Arundel County, deceased, did by his last
will and Testament, bearing Date the 14th Day of
March last past, order and direct sundry Lands to be
sold, viz. a Tract or Parcel of Land, called Caleb's
Delight Enlarged; also a Tract, called Timber-Ridge,
and Part of a Tract, called The Mill Frog, all ad-
joining and lying in Frederick County, near Simp-
son's Tavern, about Thirty Miles from Elk-Ridge
Landing, and contains about Two Thousand Four
Hundred Acres. The said Land is well adapted to
farming, and will be sold on the 29th Day of June
next, in small Parcels, or in any Manner that may
best suit the Purchasers;—Also Two Thirds of about
Seven Thousand Acres of Land, lying in Anne-
Arundel County, on Curtis's-Creek, about Seven
Miles from Baltimore-Town, on which is a Furnace,
a good Dwelling-House, and sundry Out-Houses,
with a good Grist-Mill, and Saw-Mill: The Land
is well timbered, and the Water navigable, within
Fifty Yards of the Furnace Door, and will be ex-
posed to sale on the 20th Day of July following. The
Terms will be made known on the Days of Sale, by

MICHAEL PUE, Executor,
MILCAH DORSEY, } Executors.
ELEANOR DORSEY, }

N. B. All Persons having just Claims against the
Estate, are desired to bring them in legally proved,
and those who are indebted to the Estate, are desired
to make immediate Payment to Two or more of the
Executors only.

ALL Persons who have any Demands against the
Estate of Richard Thomas, late of Cecil County,
deceased, are desired to send them properly pro-
ved; and those who are indebted to said Estate
are desired to pay off their respective Balances with-
out further Notice, to

SAMUEL THOMAS, } Administrators.
THOMAS HUGHES, }

Just imported, and to be sold by the subscribers, at the
Store on the Dock in Annapolis.

A QUANTITY of choice Barbados Rum and
Spirits.
WALLACE, DAVIDSON and JOHNSON

right derived from long usage, and from the law of parliament, which is *lex terra*, or part at least of the law of the land. Our upper, and lower houses of assembly claim most of the privileges, appertaining to the two houses of parliament, being vested with powers nearly similar, and analogous (*E*) to those, inherent in the lords, and commons. "The courts of law, and equity in Westminster hall have likewise settled fees;" by what authority? Antilon has not been full, and express on this point: Have the judges settled the fees of officers in their respective courts solely by the King's authority, or was that authority originally given by act of parliament to his Majesty, and by him delegated to his judges? Admitting even, that the chancellor and judges of Westminster hall have settled fees, by virtue of the King's commission, without the sanction of a statute, yet the precedent by no means applies to the present case. The judges in England have not settled their own fees—If the Proclamation should have the force of law, the commissary general, the secretary, the judges of the land office, who are all members of the council, and who advised the Proclamation, that is, who concurred with the minister's advice, may with propriety be said to have established their own fees. The Governor as chancellor decreeing his fees to be paid "according to the very settlement of the Proclamation," would undoubtedly ascertain, and settle his own fees; Would he not then be judge in his own cause? Is not this contrary to natural equity? "Where a statute is against common right and reason the common law shall controul it, and adjudge it to be void; a statute contrary to natural equity, as to make a man judge in his own cause is likewise void, for *jura naturæ sunt immutabilia*." The quotation from Hawkins given by Antilon, militates most strongly against him; the chief danger of oppression, says the serjeant, is from officers being left at liberty to set their own rates on their labour, and make their own demands. Have not the officers, who advised the Proclamation, and the Governor who issued it, in pursuance of their advice set their own rates, and made their own demands? Answer this question, Antilon? If you remain silent, you admit the imputation; if you deny it, you will be forced to disavow the advice, you gave. The Proclamation is sometimes reprobated by Antilon as a very harmless sort of a thing—it has no force, no efficacy, but what it receives from its legality "determinable in the ordinary judicatories." He has not indeed told us expressly, who are to determine its legality; if the judges of the provincial court are to decide the question, and they should determine the Proclamation to be legal, in that case, I suppose, an appeal would lie from their judgment, to the court of appeals—Would not an appeal to such a court, in such a cause, be the most farcical and ridiculous mummery ever thought of? All that has been said against the Proclamation, applies with equal, or greater force against the instrument, under the great seal for ascertaining the fees of the land office. Antilon having noticed "That in consequence of a commission issued by the crown, upon the address of the British house of commons, the lord chancellor by the authority of his station and by and with the advice and assistance of the master of the rolls, ordered, that the officers of the court of chancery should not demand or take any greater fees for their services, in their respective offices, than according to the rates established"—I have thought proper to insert in the note (*F*) referred to, some particulars relating to a similar measure, for the information of my readers, and to shew, that a regulation of officers fees, fell under the consideration of the house of commons, and that the same encroaching spirit of office, which has occasioned such altercations, heart burnings, and confusion in this province, has prevailed also in the parent state. The settlement of fees by order of the chancellor, under his Majesty's commission, issued pursuant to an address of the house of commons, is not, I will own, a tax similar to ship-money. But a regulation of fees by Proclamation, contrary to the express declaration of our house of burgesses, is very similar thereto. (*G*)

Exclusive of the above reasons, another very weighty argument, arising from the particular form of our provincial constitution; may be brought against the usurped power of settling fees by Proclamation, and against the decision of its legality, in our "ordinary judicatories." We know, that the four principal officers in this province, most benefited by the Proclamation, are all members of the upper house; I have said it, and I repeat it again, a tenderness, a regard for those gentlemen, a desire to prevent a diminution of their fees, have hitherto prevented a regulation of our staple; in a matter of this importance, which so nearly concerns the general welfare of the province, personal considerations and private friendships, shall not prevent me from speaking out my sentiments with freedom; neither shall antipathy to the man, whom in my conscience I believe to be the chief author of our grievances, tempt me to misrepresent his actions, "or set down ought in malice"—neither a desire to please men in power, nor hatred of those, who abuse it, shall force me to deviate from truth. "But the present Proclamation is not the invention of any daring ministers now in being" who said he was the inventor? The minister now in being has revived it only, in opposition to the unanimous sense of the people, expressed by their representatives, after a knowledge too of the evils, and confusion, which it heretofore brought on the province. Dismayed, trembling, and aghast, though sculking behind the strong rampart of Governor and council, this Antilon has intrenched himself chin deep in precedents, fortified with transmarine opinions, drawn round about him, and hid from publick view, in due time to be played off, as a masked battery, on the inhabitants of Maryland. I wish these opinions of "Lawyers in the opposition" would face the day, I wish the state, on which they were given was communicated to the publick, "the opinion respecting the Proclamation is on no point which the minister for the time being aims to establish"—if in favour of the Proclamation, I deny the

assertion; the Proclamation is a point which the minister of Maryland aims to establish, in order to establish his own power, and perquisites. Antilon asks "If they (the confederates) have any other measure besides the Governor's Proclamation, to arraign an attempt to set the supreme magistrate above the law?" First evince, that the Proclamation is not such an attempt; till then, it is needless to point out others; without entering into foreign matter; I have already given you an opportunity "of shewing me stripped of disguise what I am"; I have shewn what stripped of disguise you are—

"Homo natus in perniciem hujusce reipublicæ".

a man born to perplex, distress, and afflict this country.

FIRST CITIZEN.

February 27, 1773.

(A) "Hopes may be entertained that the good thing like a precious jewel will be handed down from father to son."

(B) The most open and avowed attacks on liberty are not perhaps the most dangerous. When rigorous means—the arbitrary seizure of property and the deprivation of personal liberty are employed to spread terror, and compel submission to a tyrant's will—they rouse the national indignation, they excite a general patriotism, and communicate the generous ardor from break to break; fear and repentment, two powerful passions, unite a whole people, in opposition to the tyrant's stern commands; the modest, mild, and conciliating manner, in which the latent designs of a crafty minister come sometimes recommended to the publick, ought to render them the more suspected "*times Danaos, et dona ferentes*." The gifts, and smiles of a minister should always inspire caution, and diffidence. There is no attempt, it is true, in the Proclamation "to subject the people indebted to the officers for services performed to any execution of their effects or imprisonment of their persons—on any account"—If the judges however should determine costs to be paid, according to the rates of the Proclamation, execution of a person's effects, or imprisonment would necessarily follow his refusal to pay those rates.

(C) From the words in the text, I think it is evident, the minister had at that very time determined on issuing the Proclamation; should he afterwards be reproached with a breach of promise, he had his answer ready, the Proclamation was not issued in such a manner, as to justify a regular opposition, it was only issued with a view to prevent the extortion of officers—for this reason I have called the minister's promise a seeming promise.

(P) It cannot be supposed that the King can have a thorough knowledge of every department in his kingdom; he appoints judges, to interpret, and to dispense law to his subjects; ministers to plan, and digest schemes of policy, and to conduct the business of the nation; generals, and admirals, to command his armies, and fleets; over all these he has a general superintendency, to remove, and punish such as from incapacity, corruption, or other misdeameanors may be unfit, and unworthy of the trust reposed in them—the King cannot exercise a judicial office himself, for though justice and judgment flow from him yet he dispenses them by his ministers, and has committed all his judicial power to different courts; and it is highly necessary for his people's safety he should do so, for as Montesquieu justly observes—"There is no liberty if the power of judging be not separated from the legislative, and executive powers. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary controul, for the judge would then be legislator; were it joined to the executive power, the judge might behave with all the violence of an oppressor."

Here, the Governor, who exercises the executive and a share of the legislative power holds and exercises also one of the most considerable judicial offices—for he is chancellor, a jurisdiction, which in the course of some years, may bring a considerable share of the property of this country, to his detriminations. The Governor is so well satisfied of wanting advice, that in determining causes of intricacy, he always chuses to have the assistance of some gentleman, who from study, and a knowledge of the law, may be presumed a good judge, and able to direct him in cases of difficulty and doubt. He has recourse to the advice of his council in all matters of publick concernment; it is therefore highly probable he took the advice of some, or of one in the council before he issued the Proclamation. It is well known, that in England the prime minister directs and governs all his Majesty's other ministers; in Charles the II'd's time the whole care of Government, was committed to five persons, distinguished by the name of the *Cabal*: the other members of the privy council were seldom called to any deliberations, or if called, only with a view to *save appearances*.

(D) It is plain from the above resolve of the delegates, that they considered the Governor, not as my lord's minister, but as his deputy, or lieutenant, acting by the advice of others, nor pursuing his own immediate measure, and sentiments. It is no imputation on the Governor's understanding to have been guided by a counsellor, from whose experience, and knowledge, he might have expected the best advice, when he did not suspect, or did not discover the interested motive, from which it proceeded; the minister has the art of covering his real views with fair pretences.

"And seems a saint, when most he plays the devil."

(E) I say nearly similar; a perfect similitude cannot be expected; our upper house falls vastly short of the house of lords in dignity, and independence; our lower house approaches much nearer in its constitution to the house of commons, than our upper house, to

the house of lords; the observation of a sensible writer on the assembly of Jamaica may be applied to ours—"The legislature of this province wants in its two first branches (from the dependent condition of the Governor and council) a good deal of that freedom, which is necessary to the legislature of a free country, and on this account, our constitution is defective in point of legislature, those two branches not preserving by any means, so near a resemblance to the parts of the British legislature, which they stand for here, as the assembly does; this is a defect in our constitution, which cannot from the nature of things be intirely remedied, for we have not any class of men distinguished from the people by inherent honours; the assembly, or lower house has an exact resemblance of that part of the British constitution, which it stands for here, it is indeed an epitome of the house of commons; called by the same authority, deriving its powers from the same source, instituted for the same ends, and governed by the same forms; it will be difficult, I think to find a reason, why it should not have the same powers, the same superiority over the courts of justice, and the same rank in the system of our little community, as the house of commons in that of Great-Britain. I know of no power exercised by house of commons for redressing grievances or bringing publick offenders to justice, which the assembly is incapable of—I know of none, which it has not exercised at times except that of impeachment and this has been forborn, not from any incapacity in that body, but from a defect in the power of the council; an impeachment by the house of commons in England, must be heard in the house of lords, it being below the dignity of the commons, to appear as prosecutors, at the bar of any inferior court." The powers therefore of the house of commons, and of our lower house being so nearly similar, their respective privileges also must be nearly the same—see the privileges of the island of Jamaica vindicated.

(F) Antilon infers from this argument, that the Governor has the same power in this province. In England, the King originally paid all his own officers; nothing therefore could be more consistent with the spirit of the constitution, than that he should establish the wages, who paid them. It is not so in this country, nor is it at present the case in England: they are now paid out of the pockets of the people; sheriffs, and many other officers have therefore their fees ascertained by act of parliament, and in those cases, where the fees given originally by the crown, are now established by custom, the parliament claims, and has exercised a power of controul over them, as will appear by the following quotations. "The commons ordered in lists of all the fees taken in the publick offices belonging to the law, which amounted annually to an incredible sum most of it to officers for doing nothing; but the enquiry was too perplexed, and too tedious for any effectual stop being put to the evil within the period of one session—Tindal's continuation of Rapin's history.

Extract of a report of a committee of the house of commons empowered to inquire into the state of the officers fees belonging to the courts in Westminster-hall—April 1752.

"Among the various claims of those, who now call themselves officers of the court of chancery, none appeared more extraordinary to the committee, than the fee of the secretary, and clerk of the briefs, who upon grants to enable persons to beg, and collect alms, claim, and frequently receive a fee of forty, fifty, or sixty pounds, and the register takes besides twelve or thirteen pounds for stamping and telling the briefs, which fees, with other great charges upon the collection, devour three parts in four of what is given for the relief of persons reduced to extreme poverty by fire, or other accidents." The committee closing their report with "observing how little able or willing many officers were to give any satisfactory account of the fees, they claim, and receive," came to the following resolution.

Resolved, "That it is the opinion of this committee that the long disuse of publick enquiries into the behaviour of officers, clerks, and ministers of the courts of justice has been the occasion of the encrease of unnecessary officers and given encouragement to the taking illegal fees."

Resolved, "That it is the opinion of this committee that the interest, which a great number of officers and clerks have in the proceedings of the court of chancery has been a principal cause of extending bills, answers, pleadings, examinations and other forms, and copies of them to an unnecessary length to the great delay of justice and the oppression of the subject."

Resolved, "That it is the opinion of this committee that a table of all the officers, ministers, and clerks, and of their fees in the court of chancery should be fixed, and established by authority, which table should be registered in a book, in the said court, to be at all times inspected gratis, and a copy of it signed and attested by the judges of the court, should be returned to each house of parliament, to remain among the records." If the commons had a right to enquire into the abuses committed by the officers of the courts of law, they had (no doubt) the power of correcting those abuses, and of establishing the fees, had they thought proper, to be paid to the officers of those courts.

(G) Because it is a tax upon the people without the consent of their representatives in assembly, as has been, I hope, demonstrated to the satisfaction of my readers.

To the Reverend Mr. JONATHAN BOUCHER.

REVEREND SIR, I THOUGHT proper singly to reply to that paragraph of your letter to Mr. Chase and myself, which contained a distinct charge against me, because

I apprehended Mr. *Chase* was no more answerable for my conduct than happily I am for yours. How far my reply has justified me, your thoughts will not determine: if it has more strongly confirmed your charge, it has done that, which, even after your assertion of the fact, was much wanting.

Had I immediately on the publication of the epigram, to which I alluded, suspected you to have been the author, my suspicion would not have outrun that of several other people: my then not thinking you capable of such wanton and groundless calumny acquitted you in my own mind; your late sporting with characters has since convinced me, that you have the itch of scribbling strong upon you: so strong, that I cannot fancy a line, at which you would probably stop: you have the remains of your character in your own keeping, and whether you will or will not gratify my curiosity is a point which rests with yourself.

You have surely an inimitable knack of story-telling, and the good natured way, in which you employ that talent, makes your relations very agreeable: the supposed malefactor it is likely knew as well as the judge, whether he was guilty or not, and there might have been some circumstances in the behaviour of the judge to induce the accused to pronounce him a *bad hearted villain*: there have been judges who justly merited that epithet, and some of them even *Bishops*. I would not wilfully shock your delicacy or pain your modesty: but I think myself well justified in repeating "I abhor the charge and the villain who made it."

I told you I did not recollect I ever made the acknowledgment you charged me with. I owned that I had entertained a doubt upon the reference of the after acts to that of 1701-2, because I had understood from a gentleman of the law that there was a pointed case in favour of such after acts constructively confirming a void act of parliament: and that as the same gentleman had since candidly acknowledged he knew of no such case in point and told me I had mistaken his assertion my doubt was removed. In the *polished file* of a gentleman you ask "Why Mr. *Paca* do you meanly seek to evade the force of a charge, which you cannot deny, by insinuations as groundless, as they are unmanly?"—If to assert the truth is meanly to evade the force of a charge, the cap fits me and I will wear it as a plume. But tell me, Mr. *Boucher*, upon what information do you pronounce the assigned cause of my doubt a groundless insinuation? Are you blest with the peculiar gift to investigate the mind? By what powers do you dive into my heart and falsify my assertions of what passes there? To what folly and extravagance does your anger mislead you! When you are disposed to exhibit your talents, you attack with the most licentious violence, insult with exaggerated provocations, vilify and traduce without any bounds to your venom, impeach the integrity of men, charge them with artifice and insincerity, and represent them as chicaning, temporizing and dead to every moral impression, upon the foundation of your own conjectures only as to the imputed motives of their actions. If a defence is made with the honest warmth inspired by the occasion, you exclaim "Fie sir: is this the language of a gentleman?" I do not pretend to rival you in your gentlemanly erudition, splendid accomplishments and polished manners: but, Mr. *Boucher*, I am not singular in the opinion, you would be a better man, with more good nature and less of those acquisitions: and that you would discharge your sacred function with more decency and propriety, by propagating humility, peace, and charity, than by endeavouring to shine the comet 'tis probable you fancy yourself, with your long trail of defamation and calumny.

I thank you for the opportunity, you gave me, of vindicating myself from the charge of opposing the late measures of government from a disappointment at court. Abundantly convinced of your good will towards me, I designedly laid myself open to your thrusts upon this point, that you might strike home, if truth could justify you in the stroke. Whether you were or were not the gentleman, who attempted this blot upon my character, is a matter of more consequence to yourself than to me: a generous publick acquit me and I feel myself happy in my immaculate purity, which, as scripture teaches benevolence even to an enemy, I with the characteristic of Mr. *Boucher*: it is certainly a badge of honour, and when worn by a *Maryland parson* might have the good tendency to bury that proverb in oblivion and exalt our ideas with respect to the clergy in this government.

You are still disgusted with my opinion. I expected it: you feel the force of it, and vanity apart, I may say, it has satisfied some, who were at least as honestly desirous as yourself to be informed: I have the gratification to see too, that it has in some measure contributed to stop the career for the *forty per poll*. Your feeble efforts to expose and ridicule me, which an overweening fondness for your own productions makes you mistake for manly satire, have not produced the wished effect. I am happy in the applauses of my countrymen for my honest intentions to promote their real welfare: and if you pursue the course, you have set out in, your disapprobation will be much more desirable than your praises of a man's conduct.

I don't doubt your readiness to take upon yourself to answer for every incumbent in the province: but I question, whether they will ratify your engagement. I have seen, Sir, a celebrated address—I don't mean, Mr. *Boucher*, to call up a blush in virtue's cheek—but I have seen a celebrated address upon the subject of episcopacy, which thus began "We the clergy of the established church in this your government of Maryland" and though it imported the general voice of the clergy and was delivered into the hands of his Excellency under the pompous signature of a secretary, yet, when truth drew up the curtain, nine persons only were exhibited to view. Gracious heavens! What a scene of glory! but How could these self-elected Monarchs raise So large an Empire on so small a base.

CHURCHILL,

—I am told this address was nobly disclaimed by the majority of the worthy ministers of the church of England in this government of Maryland. When then an embodied *mine* could not fetter all, What must I think of your single attempt? But whether you have or have not a legal and conclusive authority to bind every incumbent in the province, upon the point you challenge me, I cannot accept your offer: I have no such powers over the people: I cannot controul or bind them: were I solely interested I would cheerfully take your proffered terms, and submit the question to the suffrages of eminent gentlemen of the law: nor should I fear to do it upon the very principle you intimate—the certainty of a majority: though I should object to your taking the *poll*, as from your manner, you seem to set down every one for you, who, you do not know, has declared an opinion against you.

The particular notice you have been pleased to take of the epithet *parson* betrays a peevishness, which you ought by all means to get the better of: an indulgence of this humour can only promote rifibility. The term carries no reproach with it, that I know of; nor can I conceive why you should take offence at it, unless in applying it to you, it reminds you that alas! you are neither *Bishop* nor *Dean*.

An enemy as I am to the establishment of the forty per poll and warm and zealous in opposing it, say what you will Mr. *Boucher*, I profess myself friendly inclined towards the worthy ministers of the church of England. Your wanton attack and repeated ill treatment of me shall not provoke a general enmity. The day may come when honoured with a publick character I shall have an opportunity of delivering my sentiments: virulent reflections shall not bias my judgment nor personal animosity influence my heart: I will continue an honest man: endeavour to banish prejudice, to blot out of my memory past affronts and injuries—and to forget *parson Boucher*.

I am Sir,

Your humble Servant,

WILLIAM PACA.

L O N D O N, December 10.

SOME very singular propositions are said to have been made at our court, by the Swedes, on the present critical state of continental affairs.

Should the expected rupture between the Danes and Swedes take place, our situation would be somewhat critical, for it is morally impossible (though the sworn ally of the former) that, after what has happened to a daughter of this country, we should fight for them; and to take the contrary side, or even remain neuter, would be totally repugnant to our own natural interests.

Dec. 12. They write from Paris, that his catholic Majesty's ambassador at that court has insisted on the immediate dismissal of the French Governor at Martinico, for refusing assistance to two Spanish men of war which put in there in September last, in distress. It appears however that at the time of this refusal, the garrison itself was almost in a starving condition.

Dec. 14. An humble address is ordered by the House of Commons to be presented to his Majesty by such members as are Privy Counsellors, that he would be pleased to order that there be laid before that House copies of all intelligence that has been received by any of his Majesty's ministers, and all applications to them; upon which it has been thought expedient to send an additional number of forces into the island of St. Vincent's, together with copies of the orders, which have been sent by any of his Majesty's Secretaries of State or Secretaries of War, relative to the employment of the said forces.

Dec. 15. Since last session 35 appeals have been entered before the House of Peers, 16 of which are from Scotland, nine from Ireland, and six from the high court of Chancery.

The following anecdote is related as fact. The factory at Dantzick, in concurrence with their principals, had agreed that every British ship coming into that port should be assessed in a certain and proportionate sum, in order to form a fund for the relief of such British sailors as might be reduced by sickness, lameness, or any other accident, and for the support and maintenance of the British poor: For there are still at Dantzick, many descendants of British families, who were driven from their country during the civil wars. The produce of the fund arising from this voluntary contribution had often been sufficient to enable the directors of it to extend their benevolence to the poor of other nations. By this establishment the British merchants had acquired a degree of respect and esteem, which is ever of the highest advantage in a commercial city: And the masters of the British vessels have always found it easy to recruit their ship's company, if death, or illness, or any other accident, had deprived them of any sailors. The sums thus paid by the British ships had never been considered as a duty; had never been paid either to the King of Poland or to the town of Dantzick; but into the hands of trustees, appointed by the factory, who were to apply them to this particular purpose. Could the King of Prussia pretend the smallest right to these sums? Yet he has declared this voluntary contribution to be a port duty; obliges the British nation to pay it to his commissaries, and having thus arbitrarily and insolently appropriated these sums to his own use, refuses to make good the pensions assigned on them for the maintenance of divers poor and distressed families.

Dec. 19. Private letters from Lisbon say, that Sir Peter Denis, Rear-Admiral of the red, having settled some matters with the Portuguese ministry with regard to trade, was sailed from thence in his Majesty's ship *Trident*.

We have the pleasure to assure the publick, that in less than two months a reconciliation will take place with the three royal brothers, but their duchesses will not be included in the amity.

ANNAPOLIS, MARCH 11.

Another correspondent requests us to insert the following state of the cause between Mess. Harrison and Lee, in Charles county.

Mr. Lee had executed Mr. Harrison for the Forty per poll; upon which he brought his action for assault and battery and false imprisonment. The defendant pleaded not guilty; and also justified under the act of 1702. To the latter there was an issue in law, determinable by the court, which would have brought the validity of that act in question; and the jury were impanelled to try the former. It was proved, in evidence, that the sheriff had conducted himself with mildness and complaisance; yet, by his own declaration, the plaintiff had been arrested, and would have been carried to jail, if he had not redeemed his person by payment of the demand. The counsel for the defendant urged every favourable circumstance, in mitigation of damages; but could not, regularly, nor did they attempt a justification, before the jury. The charge was an assault and imprisonment. The fact, though denied by the plea, was proved; and the jury found for the plaintiff. They could not have done otherwise; as they did not enter into a consideration of the legality of the defendant's conduct—that point, by the demurrer, being submitted to the judgment of the court. By an agreement at the bar, the final consequences of the suit are to wait the determination of the law in the provincial court. If that court should be of opinion that the act of 1702 is not in force; or if in force, that the sheriff has no right to execute the person; then the plaintiff is to enter a judgment on the verdict. If the provincial court should be of opinion that the act is in force, and that the sheriff has a right under it to execute the body for the 40 per poll; then the plaintiff, *Harrison*, is to enter a non-suit. On considering the above *fact*, and *impartial* state, the reader will perceive that the point, whether the 40 per poll act be in force, or not, is not only not determined, but is not, in any manner, affected by the verdict.

N O W F O R S A L E,

THE Houses and Lots in which I lately dwell, situated on the Court-House Circle in the City of Annapolis; they are all well inclosed with Rails and Pales. the Houses are mostly new and in very good Repair; they will be sold for a long Credit if required; the Terms may be known by applying to

REUBEN MERIWETHER.

N. B. This House and Lots are so advantageously situated, and so well known, that I think a minute Description of them needless.

March 5, 1773.

ALL Persons who have any just Claims against the Estate of *Richard Sappington*, lately deceased, are desired to bring them, in legally proved, that they may be settled; and those who are indebted to the said Estate are desired to pay their Accounts immediately, to

JOHN & RICHARD SAPPINGTON, Executors,

and,

MARGARET SAPPINGTON, Executrix.

March 3, 1773.

A CERTAIN *Thomas Holmes* broke open the A Deck of the Subscriber Yesterday, and stole out of it 13 Silver Dollars and a Silver Watch almost new and much out of Repair. The said *Holmes* is a middle sized Man, full faced, and much pitted with the Small-Pox: Had on a light coloured Wilton Coat and Jacket, Leather Breeches, white Worsted Stockings, white Linen Shirt and Neckcloth, and professes bricklaying, painting and drawing. Whoever secures him in any Jail, shall have Ten Dollars Reward, paid by the Subscriber, living in Charles County, near *Bryan-Town*.

THOMAS WATERS

HERE is at the Plantation of *Samuel Rorer* near *Sharpsburg*, a Stray bright bay Mare; about 13 Hands and a Half high, a large Star on her Forehead, her left hind Foot white, and several Saddle Spots on her back; branded on the near Shoulder something like M, and supposed to be Six or Seven Years old. The Owner may have her again on proving Property and paying Charges.

THERE is at the Plantation of *Nicholas Hobbs*, about 12 Miles from *Frederick Town*, a Stray dark bay Mare, about 9 or 10 Years old, 13 Hands and a Half high, branded on the near Buttock C, has some white on her off hind and near fore Feet, some white Spots on her Back, and has a small Bell with a Leather Collar. The Owner may have her again on proving property and paying Charges.

THERE is at the Plantation of *Thomas Tongue*, near *Herring-Creek Church*, a Stray bay Mare, about 13 Hands and a Half high, 3 Years old, has a Star on her Forehead, no perceivable Brand, nor docked. The Owner may have her again on proving Property and paying Charges.

WHEREAS sundry idle persons under a Pretence of shooting and hunting, are frequently going about the Subscriber's Inclosures to his great Prejudice, by pulling down his Fences, and doing other Damages. This is therefore to forewarn all Persons from trespassing in like Manner for the future, as they may depend on being proceeded against agreeable to Law.

WILLIAM THOMAS.